THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 4020 of 1998

Dated: 13.06.2007

Between:

J. Anjaiah

... Petitioner

AND

The Presiding Officer,
Labour Court No.III,
Hyderabad and another.

... Respondents

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 4020 of 1998

ORDER:-

This writ petition is filed questioning the award dated 12.09.1996 of the Labour Court-III, Hyderabad (for short 'the Labour Court') in I.D.No.760 of 1993 whereby it has set aside the penalty of removal from service imposed on the petitioner and directed his reinstatement into service with continuity of service and attendant benefits, but without backwages.

The petitioner, who is a Conductor of the APSRTC working in respondent No.2 Depot, while conducting the bus bearing registration No.5931 on route No.29-B on 05.03.1989, the bus was checked by the checking officials and it was found that the petitioner having collected fares from two passengers failed to issue tickets to them. After holding enquiry, the disciplinary authority removed the petitioner from service. The petitioner invoked Section 11-A of the Industrial Disputes Act, 1947 (for short 'the Act') and raised a dispute before the Labour Court. As already mentioned above, the Labour Court has set aside the order of removal from service as indicated above. The present writ petition is filed partly aggrieved by the said award to the extent the Labour Court has denied the petitioner the backwages.

Heard Sri S. Ramakrishna, learned counsel for the

petitioner and no one appeared for the respondents.

The award of the Labour Court shows that the enquiry officer examined T.T.Is, who conducted check and deposed that at the time of the check they found two passengers without tickets and that though the conductor gave his spot explanation that he issued tickets, the passengers did not produce the same before them. Ex.M2 was the statement of the passengers given at the time of the check. The said statement was written by the driver and signed by the conductor. The enquiry officer disbelieved the statement of the petitioner that though he issued the tickets, the passengers failed to produce the same. The Labour Court in its award observed that if the petitioner had issued tickets, the ticket numbers should have got tallied with the S.R., which was not the case. The Labour Court therefore accepted the evidence of T.T.Is and the statement of the two passengers, who were found alighting without tickets. However, having given the finding that the charge was held proved against the petitioner, the Labour Court has taken a lenient view and directed reinstatement of the petitioner with continuity of service and attendant benefits, but without backwages.

Learned counsel for the petitioner submitted that the punishment of denial of backwages is too harsh requiring interference by this Court.

Having carefully considered the material available on record and the contention of the learned counsel for the petitioner, I am of the view that the order of the Labour Court does not suffer from any illegality which should warrant interference by this Court. The enquiry officer on the basis of the evidence held that the petitioner having collected fares did not issue tickets to two passengers.

This view was accepted by the disciplinary authority which imposed the punishment of removal from service. The Labour Court having accepted the finding of guilt against the petitioner, however, took the lenient view by directing his reinstatement without backwages.

On the facts of the case, I am of the view that the Labour Court has properly exercised the discretion vested in it under Section 11-A of the Act and there are no reasons for this Court to interfere with such discretion exercised by it.

For the aforementioned reasons, the writ petition fails and is dismissed. No costs.

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C.V. NAGARJUNA REDDY, J

Date: 13.06.2007
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